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No. 289

In the Supreme Court of the United States

OCTOBER TERM, 1956

UNITED STATES OF AMERICA, APPELLANT

v.

JAMES VERNON TURLEY

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

BRIEF FOR THE UNITED STATES

J. LEO RANKIN,

Solicitor General,

WARREN OLNEY III,

Assistant Attorney General,

BEATRICE SCHENBERG,

ALBERT M. CHRISTOPHER,

Attorneys.

Department of Justice, Washington 25, D.C.

* * * In the House debate, Mr. Dyer said: "It provides for only two things. Section 3 provides for the punishment of a thief stealing a car and transporting it from one State to another. Section 4 provides for the receipt of the stolen car by thieves in another state for the purpose of selling and disposing of it." 58 Cong. Rec., Part 6, p. 5472. In the Senate debate, discussing a phrase, subsequently deleted, from sec. 4, "that whoever shall, *with the intent to deprive the owner of the possession thereof*, receive, etc.", Senator Nelson noted that the italicized phrase was surplusage, because one of the elements of the offense of stealing was deprivation of the owner of the thing stolen without his consent, and that this was a "textbook" definition. 58 Cong. Rec., Part 7, p. 6434. Senator Nelson evidently was referring to common-law larceny. * * * [Italics in opinion.]

Contrary to the ~~Court's~~ suggestion, Mr. Dyer's remarks quoted above seem to us indicative of the broad purpose and scope of the Act. They in no way import that "stolen" was equated solely with "larceny." Nor can we agree with the District Court's conclusion that Senator Nelson's statement had reference to common-law larceny.⁶ The full statement is as follows (58 Cong. Rec. 6434):

⁶ The phrase objected to by Senator Nelson was in Section 4 of the Act (now 18 U. S. C. 2313), punishing the receipt of the stolen car for the purpose of selling it, after it had been stolen and transported in interstate commerce. The debate on this issue (58 Cong. Rec. 6434) shows that the phrase had been originally inserted in Section 4 to prevent the receiver from being prosecuted if he received the car for the purpose of hold-